

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**KATHLEEN SCHWEER, individually
and on behalf of all others similarly
situated,
*Plaintiff,***

v.

**ELEVATE HEALTH LLC,
*Defendant.***

Case No. 5:24-cv-01323-JD

**ELEVATE HEALTH LLC’S UNOPPOSED
MOTION FOR AN EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendant Elevate Health LLC (“Elevate”) respectfully moves the Court, pursuant to Fed. R. Civ. P. 6(b) and LCvR6.3, for a short extension of time, up to and including February 10, 2025, to respond to Plaintiff’s Complaint. Plaintiff’s counsel does not oppose the relief requested herein. In support of this motion, Elevate states the following:

1. Plaintiff filed her Complaint on December 18, 2025. (ECF Doc. 1).
2. Elevate was served with the Summons and Complaint on or about December 20, 2024. Thus, Elevate’s current deadline to respond to the Complaint is January 10, 2025.
3. Counsel for Elevate were not engaged in this matter until January 9, 2025. Therefore, Elevate was unable to comply with the Court’s rule on filing this request at least forty-eight (48) hours before the scheduled deadline. Counsel for Elevate has worked diligently and expeditiously since being retained in this matter and is making this filing within two business days of being retained.

4. The day after being retained, on January 10, 2025, Elevate's counsel communicated with counsel for Plaintiff, Andrew Perrong, who stated that Plaintiff agrees to an extension of Elevate's deadline for 30-days, which would be until February 9, 2025. Given that February 9 is a Sunday, the 30-day extension of time would make Elevate's agreed to response date, Monday, February 10, 2025.

5. Elevate has not requested any prior extensions from the Court.

WHEREFORE, Elevate Health LLC respectfully requests this Court GRANT its unopposed motion for an extension of time to respond to Plaintiffs' Complaint up to and including February 10, 2025.

Dated: January 13, 2025.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Paige C. Jones
Paige C. Jones, OBA No. 032930
2102 E. State Highway 114
Suite 207
Southlake, Texas 76092
Telephone: 817 488 3134
Facsimile: 817 488 3214
paige.jones@phelps.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon all known counsel of record as listed below by placing a copy of same in the United States mail, certified, return receipt requested, electronically, and/or hand delivery on January 13, 2025.

Andrew Roman Perrong, Esq.
Perrong Law LLC
2657 Mount Caramel Avenue
Glenside, Pennsylvania 19038
Telephone: (215) 225-5529
Facsimile: (888) 329-0305
a@perronglaw.com

/s/ Paige C. Jones